REMARKS

In the outstanding Office Action, the Examiner rejected pending claims 1 and

3-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,909,183 to

Borgstahl et al. ("Borgstahl") in combination with U.S. Patent No. 5,452,291 to

Eisenhandler et al. ("Eisenhandler"), U.S. Patent No. 6,199,136 to Shteyn ("Shteyn"),

and U.S. Patent No. 6,198,479 to Humpleman et al. ("Humpleman")[1].

By this amendment, Applicant has amended claims 1, 3, 7, and 10 and canceled

claims 4-6 and 8. Claims 1, 3, 7, 9, and 10 remain pending in this application.

Regarding the Examiner's rejection of claims 1, 3, 7, 9, and 10 under 35 U.S.C.

§ 103(a), Applicant disagrees with the Examiner's assertions and conclusions as set

forth in the outstanding Office Action. Accordingly, Applicant respectfully traverses this

rejection because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each

of three requirements must be met. First, the reference or references, taken alone or

combined, must teach or suggest each and every element recited in the claims.

Second, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to

combine the references in a manner resulting in the claimed invention. Third, a

reasonable expectation of success must exist. Moreover, each of the three

requirements must " be found in the prior art, and not be based on applicant's

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1 The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Office Action.

disclosure." *See* MPEP § 2143, 8th Ed. (Rev. 4), October, 2005. A *prima facie* case of obviousness has not been established because, at a minimum, the references, whether taken alone or in combination, fail to teach or suggest each and every element of the claims.

For example, Borgstahl fails to teach or suggest at least a combination including "wherein a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and accessible from the portable information device by a uniform resource locator (URL)," as recited in claims 1, 3, 7, 9 and 10. Borgstahl teaches a "wireless, peer-to-peer communication network" (col. 3, line 67) wherein "[e]ach peer or communication node 20 of communications network 22 may establish a personal area network" (col. 4, lines 10-12). A "link may be accomplished by known RF, IR, optical or acoustic techniques" (col. 4, lines 19-20), and a peer may comprise "a personal digital assistant (PDA), television, radio, CD player, copier, facsimile machine, telephone, cellular telephone, cordless telephone, pager, watch," etc. (col. 6, lines 25-30). Borgstahl, however, fails to teach or suggest "a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and are accessible ... by a uniform resource locator (URL)," as recited in claims 1, 3, 7, 9 and 10.

Eisenhandler, cited by the Examiner at page 3 of the Office Action for allegedly teaching "remote control of appliances in various locations of the home," fails to cure the above-noted deficiency of Borgstahl. Eisenhandler teaches the use of brouters (bridge + router) in a home network, wherein the home network utilizes the CEBus

standard. See Eisenhandler, at col. 1, lines 17-60. In particular, Eisenhandler teaches "[t]he CEBus standard employs a carrier sense multiple access protocol with contention detection and contention resolution (CSMA/CDCR)" (col. 2, lines 10-12). Moreover, "[i]n the exemplary embodiment, common application language (CAL) encoded sequences are downloaded to microcomputer 31 for all of the device commands and macros (procedures) used by devices 50-60" (col. 8, lines 52-55). Eisenhandler, however, fails to teach or suggest the use of HTTP, and accordingly, fails to teach or suggest at least "wherein a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and accessible from the portable information device by a uniform resource locator (URL)," as recited in claims 1, 3, 7, 9 and 10.

Shteyn, cited by the Examiner at page 8 of the Office Action for allegedly teaching "a method and apparatus to provide interoperability between high data rate and low data rate networks," fails to cure the above-noted deficiencies of Borgstahl and Eisenhandler. In particular, Shteyn teaches the use of the HAVi software architecture, which "uses the IEEE 1394 high-performance serial bus protocol for transport of control and content among the devices connected to the network" (col. 1, lines 43-46). Accordingly, Shteyn also fails to teach or suggest using HTTP, and thus fails to teach or suggest at least "wherein a plurality of the electronic devices and the home appliances are configured to function as hyper text transfer protocol (HTTP) servers, and accessible from the portable information device by a uniform resource locator (URL)," as recited in claims 1, 3, 7, 9, and 10.

Humpleman also fails to cure the above-noted deficiencies. The Examiner alleges that Humpleman teaches "a home network with HTTP server devices and URL addresses to provide browser based command and control." Office Action, page 3. Such alleged teachings, even if present in Humpleman are not combinable with Borgstahl in the manner suggested by the Examiner. Specifically, Borgstahl teaches away from such a combination. Borgstahl teaches "[r]ather than specifying a network unique address to initiate a connection, network 22 uses physical proximity along with a needs and capabilities evaluation ... to target a peer 20 with which a connection is desired." Borgstahl, col. 5, lines 16-20 (emphasis added). Borgstahl thus teaches using proximity and needs determination to make connections and teaches away from using individual addresses, such as URL addresses. Accordingly, there is no motivation for combining Humpleman in the manner suggested, and Humpleman cannot be relied on for curing the above-noted deficiencies of Borgstahl, Eisenhandler, and Shteyn.

In addition, claim 1 also recites a combination including "a high-speed network for connecting electronic devices and a low-speed network for connecting home appliances," and an "access point connected to [the] high-speed network of a home networking system," which is also not present in the cited references (emphasis added). The Examiner acknowledges Borgstahl does "not expressly recit[e] the access point connected to a home network." Office Action, page 3. Accordingly, if Borgstahl does not teach or suggest an access point connected to a home network as asserted by the Examiner, Borgstahl also fails to teach or suggest at least "an access point connected to a high-speed network of a home networking system," as recited in amended claim 1.

Eisenhandler, cited by the Examiner at page 3 of the Office Action for allegedly teaching "remote control of appliances in various locations of the home," fails to cure the above-noted deficiency of Borgstahl. Eisenhandler teaches the use of brouters in a home network, wherein the home network utilizes the CEBus standard. See Eisenhandler, at col. 1, lines 17-60. Eisenhandler, however, does not disclose a high-speed network paired with a low-speed network, wherein the brouter is connected to the high-speed network. Eisenhandler thus fails to teach or suggest "a high-speed network for connecting electronic devices and a low-speed network for connecting home appliances," and an "access point connected to [the] high-speed network of a home networking system," as recited in claim 1.

Humpleman, cited by the Examiner at page 3 of the Office Action for allegedly teaching "a home network with HTTP server devices and URL addresses to provide browser based command and control," fails to cure the above-noted deficiencies of Borgstahl. Humpleman, as shown in Figure 1, discloses a home network 100, wherein a plurality of components are connected via an IEEE 1394 serial bus 114. To the extent that IEEE 1394 serial bus 114 could be reasonably considered a high-speed network, Humpleman does not disclose a low-speed network, and does not explicitly disclose an access point connected to the IEEE 1394 serial bus 114. Humpleman thus fails to teach or suggest a combination including "a high-speed network for connecting electronic devices <u>and</u> a low-speed network for connecting home appliances," and an "access point connected to [the] high-speed network of a home networking system," as recited in claim 1 (emphasis added).

Shteyn, cited by the Examiner at page 9 of the Office Action for allegedly

teaching "a method and apparatus to provide interoperability between high data rate

and low data rate networks," fails to cure the above-noted deficiencies of Borgstahl and

Eisenhandler. Shteyn teaches "a high data-rate first control network to control a device

in a low data-rate second network." Shteyn, col. 5, lines 36-38. Shteyn, however, does

not disclose an access point connected to the high speed network. Shteyn thus fails to

teach or suggest "a high-speed network for connecting electronic devices and a

low-speed network for connecting home appliances," and an "access point connected to

[the] high-speed network of a home networking system," as recited in amended claim 1.

Claims 3, 7, and 10, although different in scope, recite elements similar to those

recited in claim 1; claim 3 recites a combination including "a low-speed network for

connecting home appliances and a high-speed network for connecting electronic

devices," and "[a]n access device connected to [the] high-speed network of a home

network and serving as an access point;" and claims 7 and 10 recite a combination

including "a low-speed network for connecting home appliances and a high-speed

network for connecting electronic devices," and "an access point connected to the high-

speed network." As discussed above with respect to claim 1, Borgstahl Eisenhandler,

Humpleman, and Shteyn fail to teach or suggest at least this feature.

Because the references, whether taken alone or in combination, fail to teach or

suggest every element recited in claims 1, 3, 7, 9, and 10, a *prima facie* case of

obviousness has not been established. Accordingly, Applicant respectfully requests

that the Examiner withdraw the rejection of independent claims 1, 3, 7, 9 and 10 under
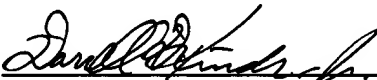
35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicant respectfully

requests reconsideration and reexamination of this application and the timely allowance

of the pending claims.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

> Respectfully submitted,
>
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> GARRETT & DUNNER, L.L.P.

Dated: May 5, 2006   By:

Darrell D. Kinder, Jr.
Reg. No. 57,460